

Application Serial No. 10/796,711
Amendment dated October 23, 2006
Reply to Office Action dated August 8, 2006

REMARKS

Claims 1-35 are pending. Claims 1-33 have been allowed. Claims 34 and 35 have been rejected.

Independent Claim 33 has been amended to better define the claimed invention.

The Examiner rejected Claims 34 and 35 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,440,593 to Miller ("Miller '593").

Miller '593 discloses a pump, shown in Figs. 1-2, enclosed within housing 26. An electric motor is mounted within housing 26 and included stator 31 and rotor 34. Rotor 34 is comprised of a plurality of stacked laminations and is supported between two parallel end rings 35. Positioned adjacent inner surface of rotor 34 is an annular metal member forming outer, rotating compression cylinder 52. Positioned within cylinder 52 is shaft 37 including eccentric 47. Rotor member 56 is positioned around eccentric 47 and, during rotation of shaft 37, rotor member 56 rotates in conjunction with eccentric 47. Connecting rotor member 56 to cylinder 52 is vane 53. During operation of the pump, movement of vane 53, rotating with cylinder 52, causes rotation of rotor member 56 around eccentric 47. The rotation of rotor member 56 around eccentric 47 results in compression, and ultimately pumping, of the fluid in the compression chamber defined by cylinder 52.

Applicant respectfully submits that independent Claim 34 is not anticipated by Miller '593, as Miller '593 fails to disclose each and every limitation called for in amended independent Claim 34. Specifically, amended independent Claim 34 calls for a rotary compressor assembly including, *inter alia*, a motor having a stator and a rotor disposed directly adjacent the stator, the rotor having an inner surface that forms a compression chamber, and a vane having an outer radial end fixed to the rotor.

As shown in Fig. 1 of the current application, compressor 10 includes electric motor 24 having stator 26 and rotor 28. Rotor 28 of the current application is disposed directly adjacent stator 26 and forms compression chamber 52, as required by amended independent Claim 34. *See ¶ [0021].* In contrast, cylinder 52 of Miller '593 forms the internal compression chamber of a pump and is separated from stator 31 by rotor 34. Thus, cylinder 52 is not disposed directly adjacent stator 31, as required by amended independent Claim 34. Moreover, the current application states, that "[b]y using a solid integral part to form rotor 28,

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no liner is required for internal combustion chamber 52." ¶[0021]. In contrast to the present application, cylinder 52 of Miller '593 lines the inner surface of rotor 34 to define the compression chamber of the pump, as stated above. Advantageously, eliminating the liner, such as the annular metal member forming cylinder 52 in Miller '593, reduces the cost of manufacture and eases assembly.

Additionally, as stated above, independent Claim 34 calls for a vane having an outer radial end *fixed to the rotor*. As shown in Fig. 3 of the current application, vane 54 is snugly received within slot 55 machined in the inner surface of *rotor 28 of electric motor 24*, which defines compression chamber 52. ¶[0022]. In contrast, cylinder 52 of Miller '593 "carries[,] projecting radially inwardly from its inside surface and originally secured to it[,] a vane 53." Col. 5, lines 23-24. Vane 53 of Miller '593 is not fixed to the rotor, as required by independent Claim 34, but, as described above, is secured to the inner surface of cylinder 52.

Moreover, applicant respectfully submits that amended dependent Claim 35 is not anticipated by Miller '593, for the additional reasons set forth below. Specifically, amended dependent Claim 35 calls for, *inter alia*, a pin extending through an aperture in the vane proximate the inner radial end of the vane. As shown in Fig. 3 of the current application, pin 156 is inserted through a throughhole 158 (Fig. 2) in vane 53. ¶ [0036]. In contrast, Miller '593 discloses vane 53 having lugs 82 extending therefrom. Lugs 82 project from an outer surface of vane 53 and fail to extend through an aperture in vane 53, as required by amended dependent Claim 35.

For the foregoing reasons, Applicant respectfully submits that independent Claim 34, as well as Claim 35 which depends therefrom, is not anticipated by Miller '593.

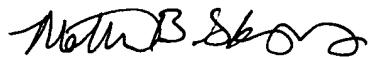
It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicant respectfully submits that the application is in condition for allowance and respectfully requests allowance thereof.

In the event Applicant has overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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Should the Examiner have any further questions regarding any of the foregoing, she is respectfully invited to telephone the undersigned at 260-424-8000.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: October 23, 2006

MATTHEW B. SKAGGS, REG. NO. 55,814

Name of Registered Representative



Signature

October 23, 2006

Date